

Message Text

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C O N F I D E N T I A L SECTION 1 OF 2 EC BRUSSELS 03507

E.O. 11652: GDS
TAGS: EEC, EFIS, PLOS
SUBJECT: EC FOREIGN MINISTERS COUNCIL, APRIL 5, 1977: IRISH
UNILATERAL FISHERY CONSERVATION MEASURES

REFS (A) EC BRUSSELS 3062 (NOTAL); (B) DUBLIN 363 (NOTAL)
(C) DUBLIN 727 (NOTAL); (D) 76 THE HAGUE 6050;
(E) EC BRUSSELS 1532

1. SUMMAY: THE APRIL 5 EC FOREIGNMINISTERS COUNCIL PRO-
DUCED AGREEMENT ON A COMPROMISED FORMULA UNDER WHICH IRELAND'S
UNILATERAL FISHERY CONSERVATION MEASURES, ANNOUNCED APRIL 1,
CAN BE CLOAKED BY AN INFORMAL COMMUNITY ARRANGEMENT, INVOLVING
EC COMMISSION REVIEW OF PLANS SUBMITTED BY OTHER MEMBER
STATES FOR FISHING IN IRISH WATERS. FOREIGN MINISTERS' DIS-
CUSSION ON EXTERNAL FISHING REGIME REPORTED SEPTEL. END
SUMMARY.

2. THE AGRICULTURE COUNCIL'S FAILURE LAST WEEK TO AGREE ON
A COMMISSION PROPOSAL ON CATCH QUOTAS AND OTHERREGULATORY
MEASURES RELATING TO FISHING IN IRISH WATERS (EC BRUSSELS
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3062) LEFT THE GOI PARTICULARLY VULNERABLE TO IRISH
FISHING INDUSTRY DEMANDS THAT NATIONAL CONSERVATION
MEASURES, ALREADY TWICE POSTPONED, BE PUT IN FORCE
IMMEDIATELY. NEGOTIATIONS IN COREPER, HOWEVER, SET
THE STATE FOR ACCEPTANCE BYTHE OTHER MEMBER STATES
AND THE COMMISSION OF THE APPLICATION AS OF APRIL 10
OF THE UNILATERAL MEASURES AS ANNOUNCED BY THE GOI ON

APRIL 1. (THESE MEASURES INVOLVED A BAN ON FISHING WITHIN A 50 TO 100- MILE ZONE BY VESSELS EXCEEDING 110 FEET OR 1100 BREAKER HORSEPOWER; SEE EC BRUSSELS 1532 AND DUBLIN 363 AND 727).

3. THESE COREPER DISCUSSIONS, SUMMARIZED IN AN APRIL 1 REPORT TO THE FOREIGN MINISTERS (WHICH WE HAVE OBTAINED IN CONFIDENCE LET TO AGREEMENT THAT "AN ALTERNATIVE TO A COMMUNITY SOLUTION" WOULD BE A FORMULA WHEREBY THE GOI COULD RESORT TO NATIONAL MEASURES, PROVIDING THAT THEY (A) WERE BASED ON THE ARRANGEMENTS FOR THE LIMITATION OF FISHING ACTIVITIES IN IRISH WATERS AS SET OUT IN THE COMMISSION PROPOSALS (QUOTAS AND OTHER MEASURES) AND (B) WERE TAKEN IN CONFORMITY WITH THE CONDITIONS AND PROCEDURES AGREED BY THE FOREIGN MINISTERS LAST OCTOBER 30 IN THE HAGUE (I.E. TEMPORARY , NON-DISCRIMINATORY AND TAKEN IN CONSULTATION WITH THE COMMISSION).

4. THE APRIL 1 COREPER REPORT FURTHER NOTED THAT ANY UNILATERAL IRISH MEASURES SHOULD APPLY ONLY IN WATERS "FALLING WITHIN THE SOVEREIGNTY OR JURISDICTION OF IRELAND." THE REPORT CONCLUDED THAT THE DELEGATIONS "PRIMARILY CONCERNED" WITH IRISH COASTAL FISHING (I.E., FRANCE, NETHERLANDS, AND BELGIUM), WHILE NOT YET WISHING TO ADOPT FINAL POSITIONS, WERE NEVERTHELESS WILLING, IN THE ABSENCE OF A MORE SATISFACTORY SOLUTION, TO "EXAMINE THIS NEW APPROACH SYMPATHETICALLY". FINALLY, THE REPORT NOTED THAT THE IRISH PERM DEL INTENDED TO BRING THESE

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COREPER DISCUSSIONS TO THE ATTENTION OF THE GOI, "WHICH WOULD CONSIDER THIS POSSIBLE SOLUTION ALONG SIDE OTHER MEASURES CURRENTLY BEING STUDIED AT A NATIONAL LEVEL."

5. IRISH FOREIGN MINISTER FITZGERALD AND FISHERY MINISTER DONEGAN WERE THUS ASSURED OF AN UNDERSTANDING, IF NOT ENTHUSIASTIC, RECEPTION WHEN THEY FORMALLY NOTIFIED THE APRIL 5 COUNCIL OF THE GOI MEASURES. IN A JOINT DECLARATION TO THE COUNCIL, THEY MADE CLEAR THERE WOULD BE NO CHANGES IN THE ANNOUNCED MEASURES UNTIL EITHER (A) PERMANENT ARRANGEMENTS ON AN INTERNAL REGIME, SATISFACTORY TO IRELAND, ARE AGREED OR (B) OTHER MEMBER STATES SUBMIT PLANS WHICH SATISFY THE GOI THAT THOSE STATES WOULD CUT THEIR FISHING EFFORTS IN IRISH WATERS DURING THE REST OF THE INTERIM PERIOD AS EFFECTIVELY AS THE IRISH UNILATERAL MEASURES.

6. ACCORDING TO COUNCIL AND PERM DEL SOURCES, EC COMMISSIONER GUNDELACH MADE A COUNTER-PROPOSAL TO THE EFFECT THAT THE COMMISSION SHOULD PLAY A ROLE IN VETTING

AND REVIEWING ANY MEMBER STATE FISHING PLANS SUBMITTED TO THE GOI. FITZGERALD, REPORTEDLY UNCOMFORTABLE IN HIS POSITION OF BUCKING THE COMMUNITY, WAS HAPPY TO ACCEPT. THE SUBSEQUENT DISCUSSIONS AMONG THE MINISTER AND GUNDELACH LED TO A COMPROMISE SOLUTION, WHOSE TERMS ARE BEING CLOSELY GUARDED BY COMMISSION AND PERM DEL OFFICIALS. FOLLOWING, HOWEVER, ARE THE MAJOR ELEMENTS, AS CONFIRMED TO US BY SEVERAL SOURCES:

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C O N F I D E N T I A L SECTION 2 OF 2 EC BRUSSELS 03507

(A) FISHING IN IRISH WATERS WILL BE GOVERNED BY A NETWORK OF "PRIVATE AGREEMENTS" BETWEEN DUBLIN AND THE RESPECTIVE MEMBER STATES SEEKING RELIEF FROM THE GOI'S UNILATERAL MEASURES (LUXEMBOURG, DENMARK AND ITALY HAVE INDICATED THEY ARE NOT REPEAT NOT INTERESTED IN DOING SO.)

(B) EACH MEMBER STATE WILL SUBMIT ITS FISHING PLAN, INCLUDING LISTS OF VESSELS, TO THE GOI BILATERALLY.

(C) THE GOI WILL IN TURN SUBMIT THESE PLANS TO THE COMMISSION, WHICH WILL BE RESPONSIBLE FOR DETERMINING IF THEY ARE NON-DISCRIMINATORY. AS THE COMMISSION RECEIVES EACH PLAN IT WILL POLL OTHER INTERESTED MEMBER STATES FOR REACTIONS AND "COUNTER-BIDS" IN AN ATTEMPT TO DEVELOP ONE "COMMUNITY" OFFER FOR THE IRISH.

(D) THE IRISH, HAVING WON A MORAL VICTORY, ARE EXPECTED TO TURN A BLIND EYE TO FISHING ACTIVITIES IN

THEIR WATERS FOR THE FIRST FEWDAYS AFTER APRIL 10, TO
ALLOW TIME FOR FISHING PLANS TO BE WORKED UP.
(E) IT WAS UNDERSTOOD IN COUNCIL DEBATE THAT
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FISHING PLANS, TO BE ACCEPTABLE, SHOULD GIVE INDICATON OF
AN EFFORT NOT TO EXCEED THE LEVEL OF FISHING ACTIVITY
ORIGINALLY PROPOSED BY THE COMMISSION, WHICH WOULD HAVE
AMOUNTED TO AN INCREASE OF 30 PERCENT IN FISHING BY THE IRISH
AND A REDUCTION OF ABOUT 40 PERCENT IN FISHING BY OTHER FLEETS.

(F) IF SATISFIED THAT OVERALL FISHING EFFORTS
WOULD BE ADEQUATELY REDUCED, THE GOI IS EXPECTED TO BE
WILLING TO ALLOW ACCESS BY LARGE TRAWLERS (THE FRENCH,
IN PARTICULAR, WISH TO ASSURE THAT THE EFFECT OF THE IRISH
MEASURES IS DISTRIBUTED EVENLY THROUGHOUT THEIR FLEET.) THE
FINAL DECISION ON WHETHER TO AUTHORIZE SUCH EXCEPTIONS WILL
IN ANY CASE, REST WITH THE IRISH.

(G) THE ARRANGEMENT WILL RUN ONLY THROUGH JUNE 30,
1977, AT WHICH TIME IT IS HOPED THE COUNCIL WILL HAVE
APPROVED THE INTERNAL FISHING REGIME.

7. OUR SOURCES POINT OUT THAT THERE WILL BE NO ATTEMPT TO
CODIFY THE ABOVE UNDERSTANDINGS AS A FORMAL REGULATION AND
THAT THEY WILL REMAIN PART OF A GENTLEMEN'S AGREEMENT,
LARGELY TO SAVE THE GOI EMBARRASSMENT AT HOME.

COMMENT: WHILE NO ONE IS SATISFIED WITH THE ARRANGEMENT
AS IT REFLECTS BADLY ON EC ABILITY TO REACH AGREEMENT
ON A COMMON FISHERIES POLICY, IT HAS THE ADVANTAGE OF
SATISFYING IRISH DESIRES FOR PRIORITY TREATMENT FOR
ITS OWN FISHING INDUSTRY AND OF AVOIDING THE DISCRIMINATORY
PROVISION IN THE IRISH MEASURES AGAINST LARGE VESSELS
OPERATED BY SOME MEMBER STATES; IT ALSO AVOIDS IMPOSING
QUOTAS AT THIS TIME IN BRITISH WATERS. HINTON

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